

**REMARKS**

The office action of October 28, 2008, has been carefully considered.

It is noted that claim 5 is rejected under 35 U.S.C. 102(b) over the patent to Lemelson.

Claims 1-4, 6 and 7 are allowed.

In view of the Examiner's rejections of the claims, applicant has amended claim 5.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the patent to Lemelson, it can be seen that this patent discloses a tube wall forming apparatus. The apparatus forms a profile with a smooth inner surface and an outer surface with a helical thread-like or rib-like formation. These threads/ribs increase the strength of the profile. The threads/ribs are formed either directly in the extrusion machinery


(see Fig. 1) or in a separate forming device at the outlet of the strand press (see Fig. 4). In both situations a profile is obtained with a uniform inner diameter, as needed for a heat exchanger, however the profile has a varying wall thickness in the longitudinal direction. Lemelson does not disclose a uniform wall thickness in the longitudinal direction of the profile, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claim 5 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on December 31, 2008.

By:   
Klaus P. Stoffel

Date: December 31, 2008